

No. _____

21-5784

IN THE
SUPREME COURT OF THE UNITED STATES

Joe Vonto Reardon — PETITIONER
(Your Name)

VS.

USA COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT — RESPONDENT(S)

FILED

JUL 09 2021

OFFICE OF THE CLERK
SUPREME COURT, U.S.

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Please check the appropriate boxes:

☐ Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

☒ Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

☐ Petitioner's affidavit or declaration in support of this motion is attached hereto.

☐ Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and:

☐ The appointment was made under the following provision of law: _____

, or

☐ a copy of the order of appointment is appended.

Joe Reardon
(Signature)

RECEIVED

SEP 24 2021

OFFICE OF THE CLERK
SUPREME COURT, U.S.

RECEIVED

JUL 20 2021

OFFICE OF THE CLERK
SUPREME COURT, U.S.

XII. Statement of the Case

Provide a concise statement of the case containing the facts material to the consideration of the question(s) presented; you should summarize the relevant facts of the case and the proceedings that took place in the lower courts. You may need to attach additional pages, but the statement should be concise and limited to the relevant facts of the case.

XIII. Reasons for Granting the Petition

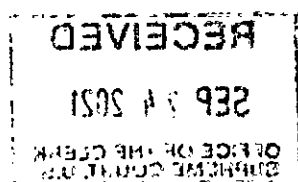
The purpose of this section of the petition is to explain to the Court why it should grant certiorari. It is important to read Rule 10 and address what compelling reasons exist for the exercise of the Court's discretionary jurisdiction. Try to show not only why the decision of the lower court may be erroneous, but the national importance of having the Supreme Court decide the question involved. It is important to show whether the decision of the court that decided your case is in conflict with the decisions of another appellate court; the importance of the case not only to you but to others similarly situated; and the ways the decision of the lower court in your case was erroneous. You will need to attach additional pages, but the reasons should be as concise as possible, consistent with the purpose of this section of the petition.

XIV. Conclusion

Enter your name and the date that you submit the petition.

XV. Proof of Service

You must serve a copy of your petition on counsel for respondent(s) as required by Rule 29. If you serve the petition by first-class mail or by third-party commercial carrier, you may use the enclosed proof of service form. If the United States or any department, office, agency, officer, or employee thereof is a party, you must serve the Solicitor General of the United States, Room 5614, Department of Justice, 950 Pennsylvania Ave., N.W., Washington, D. C. 20530-0001. The lower courts that ruled on your case are not parties and need not be served with a copy of the petition. The proof of service may be in the form of a declaration pursuant to 28 U. S. C. § 1746.



**AFFIDAVIT OR DECLARATION
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

I, Joe Vanzo Readon, am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Self-employment	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Interest and dividends	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Gifts	\$ <u>0</u>	\$ <u>300</u>	\$ <u>0</u>	\$ <u>300</u>
Alimony	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Child Support	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u>796</u>	\$ <u>0</u>	\$ <u>796</u>
Unemployment payments	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Other (specify): _____	\$ _____	\$ _____	\$ _____	\$ _____
Total monthly income:	\$ <u>0</u>	\$ <u>1096</u>	\$ <u>0</u>	\$ <u>1096</u>

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
N/A			\$ 0
			\$
			\$

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
N/A			\$ 0
			\$
			\$

4. How much cash do you and your spouse have? \$ 400⁰⁰
Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Type of account (e.g., checking or savings)	Amount you have	Amount your spouse has
Savings	\$ 0	\$ 400 ⁰⁰
	\$	\$
	\$	\$

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

☒ Home
Value \$200,000

☐ Other real estate
Value

☒ Motor Vehicle #1
Year, make & model 2005 Jeep Cherokee
Value \$2000

☐ Motor Vehicle #2
Year, make & model
Value

☐ Other assets
Description
Value

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money

Amount owed to you

Amount owed to your spouse

N/A

\$ 0

\$ 0

\$ _____

\$ _____

\$ _____

\$ _____

7. State the persons who rely on you or your spouse for support. For minor children, list initials instead of names (e.g. "J.S." instead of "John Smith").

Name

Relationship

Age

N/A

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, or annually to show the monthly rate.

You

Your spouse

Rent or home-mortgage payment
(include lot rented for mobile home)

\$ 0

\$ 850⁰⁰

Are real estate taxes included? ☒ Yes ☐ No

Is property insurance included? ☒ Yes ☐ No

Utilities (electricity, heating fuel,
water, sewer, and telephone)

\$ 0

\$ 60

Home maintenance (repairs and upkeep)

\$ 0

\$ 0

Food

\$ 0

\$ 60

Clothing

\$ 0

\$ 0

Laundry and dry-cleaning

\$ 0

\$ 0

Medical and dental expenses

\$ 0

\$ 0

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>0</u>	\$ <u>60</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>0</u>	\$ <u>0</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>0</u>	\$ <u>0</u>
Life	\$ <u>0</u>	\$ <u>0</u>
Health	\$ <u>0</u>	\$ <u>0</u>
Motor Vehicle	\$ <u>0</u>	\$ <u>0</u>
Other: _____	\$ _____	\$ _____
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ <u>0</u>	\$ <u>0</u>
Installment payments		
Motor Vehicle	\$ <u>0</u>	\$ <u>0</u>
Credit card(s)	\$ <u>0</u>	\$ <u>0</u>
Department store(s)	\$ <u>0</u>	\$ <u>0</u>
Other: _____	\$ _____	\$ _____
Alimony, maintenance, and support paid to others	\$ <u>0</u>	\$ <u>0</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>0</u>	\$ <u>0</u>
Other (specify): _____	\$ _____	\$ _____
Total monthly expenses:	\$ <u>0</u>	\$ <u>1030</u>

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

☐ Yes ☒ No If yes, describe on an attached sheet.

10. Have you paid – or will you be paying – an attorney any money for services in connection with this case, including the completion of this form? ☐ Yes ☒ No

If yes, how much? _____

If yes, state the attorney's name, address, and telephone number:

11. Have you paid—or will you be paying—anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

☐ Yes ☒ No

If yes, how much? _____

If yes, state the person's name, address, and telephone number:

12. Provide any other information that will help explain why you cannot pay the costs of this case.

I am a Disble Person that have been incarcerated for 2 1/2 years, my wife is Disable as well, she has family that is been helping her during my incarceration but they dont make enough money to help pay for a lawyer again.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: July 13th, 2021.

Goe Pearson
(Signature)

No. _____

21 - 5784

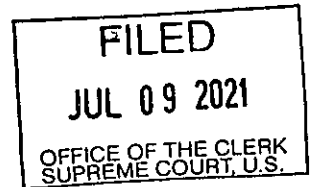
IN THE
SUPREME COURT OF THE UNITED STATES

Joe Vanzo Peardon. — PETITIONER
(Your Name)

USA COURT OF APPEALS vs.
FOR THE ELEVENTH CIRCUIT — RESPONDENT(S)

ORIGINAL

ON PETITION FOR A WRIT OF CERTIORARI TO



(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Joe Vanzo Peardon.
(Your Name)

13850 NW 41st Street Mail # 190130004
(Address)

Doral, Florida. 33178.
(City, State, Zip Code)

NONE.
(Phone Number)

QUESTION(S) PRESENTED

How Can a diagnosed unmedicated elderly Psych patient with severe hearing and reading comprehension impairments suffering obvious anxiety problems during Court proceedings be pressured into a death sentence plea agreement by the Federal government on a state investigated case, A state case that all relevant evidence is insufficient to convict on a state level?

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☒ For cases from federal courts:

The date on which the United States Court of Appeals decided my case was April 1, 2023

☒ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from state courts:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

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INDEX TO APPENDICES

APPENDIX A	N/A
APPENDIX B	N/A
APPENDIX C	N/A
APPENDIX D	N/A
APPENDIX E	N/A
APPENDIX F	N/A

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

STATUTES AND RULES

Under Florida of Criminal Procedure:

Rule 3.170(F)

Cause 1. Rule 3.170(J)

Cause 2. Rule 3.171(C)

Cause 3. Rule 3.215(c).

OTHER

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Attachment for Statement of the case

At the time my family hired Mrs. Davide they did not know she had limited trial experience. Mrs. Davide always pushed for a plea bargain, no matter my relentless efforts to express my willingness for trial. I urged her on several occasions to prepare by studying my incomplete discovery, a discovery I also requested her to get in its entirety to no avail. She never gave me an adequate response to this request.

Mrs. Davide hired a private investigator on my behalf and he showed me the same INCOMPLETE Discovery. I also asked him the same request and he stated verbatim "This is all I have also, I need to ask my attorney for the rest."

To this day she has never asked me what happened the day of my arrest, she never asked or looked for witnesses or anything that could be of benefit on my behalf. Mrs. Davide only investigative tactic was to use of what was written on my A-FORM, she never explained Federal cases are much different from State cases or that the federal government work cases much faster than the state does.

The investigator that was hired never went to my house by her order, and had my own family take pictures of my house. she never took notes during our interviews and because of her unwillingness it resulted in her asking me the same questions over and over, she never got a statement from my wife or son or advised them of my.

upcoming court appearance.

I received my plea on 12-01-2019 one day before I was supposed to start trial. I've never seen anything like this in my entire life. We went to trial the following day supposedly and was still being pressured by Mrs. Davide to take a plea. She told my family that if I went to trial and lost it would be a life sentence for me and to convince me to take the plea, I've never been familiar with federal law and federal guidelines so for me to get a true understanding of this plea it would have took a substantial amount of time a plea that I reiterate was never my intention to take due to me wanting to go trial since the day the handcuffs clicked around my wrists.

I can attest truthfully and whole heartedly that Mrs. Davide never had intentions in representing me with my best interest in mind. My new lawyer in open court asked Mrs. Davide 8 QUESTIONS about my situation, that Mrs. Davide answered "I DON'T KNOW".

I have shown a fair and just reason, one of the things the court should look at is what the government calls "Buyers Remorse", there is no buyers remorse if a defendant within hours of entering his guilty plea, what I understood of my plea was that I needed to ~~withdraw~~ withdraw it immediately; I did not wait until.

the eve of sentencing as we see in a lot of motions to withdraw.

I desire to withdraw my plea within hours of court acceptance of my plea. I feel I have shown fair and just reasons as regulated by law.

I have met the criteria of United States vs. Buckles. Case talks about, the government has cited in my respective pleading Rule 11 of the federal rules of criminal procedure states; that a defendant may withdraw his guilty plea before sentence is imposed, if the defendant can show a fair and just reason for requesting the withdrawal, there has been four separate grounds that have been asserted.

① I did not receive sufficient time.

Rule 3.170 ss(J) time and circumstances

② I never asked for a plea.

Rule 3.171 Plea Discussion and Agreements ss (c) responsibilities of Defense Counsel.

③ I was not in a right state of mind on the day of my court appearance

Rule 3.215 Effect of ADJUDICATION of Incompetency to proceed Psychotropic Medication

④ Incompetent Counsel.

Rule 3.171 ss (c)(1) Defense counsel shall not conclude any plea agreement on behalf of a defendant-Client without Client's full and complete consent thereto.

REASONS FOR GRANTING THE PETITION

See Attachement. ~~white~~ pages.
Yellow.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Gae Beardon

Date: July 13th 2021.

Attachement for Granting the Petition

Cause 1

The court record will show Mr. Reardon was shown his plea the day before his court appearance to accept the plea.

He was shown the 5 to 7 pages plea in a 10 minute period by his defense attorney, and again shown his plea in a 7 minute court recess during his court appearance.

Mr. Reardon argues 17 minutes was not a REASONABLE amount of TIME to go over his plea thoroughly and assess the severity of accepting a plea of 15 years, which in his medical condition is a DEATH SENTENCE.

Cause 2

Mr. Reardon was ADAMANT since the day he hired his Attorney. That he wanted to go to TRIAL, if he wanted to plead out he would have used a Public Defender and saved \$25,000.

Cause 3

At the time of Mr. Readon court appearance to accept his plea Mr. Readon was not issued his daily dose of PSYCHOTROPIC MEDICATION for his manic DEPRESSION and ANXIETY issues. Causing a SEVERE anxiety ATTACK while on the stand making him accept anything giving to him as long as the onslaught of repetitive questioning ceased. Mr. Readon stated "All I want is to go back to my cell and lay down and the questions to stop".

After 5 minutes of departing the court room Mr. Readon WANTED to take the PLEA BACK. due to the circumstances of the plea. Mr. Readon defense counsel was insufficient due to defense attorney not giving him ample time to understand and comprehend the totality of his ERRONEOUS PLEA.

On the 27th of June, I sent a letter to the Supreme Court. This is in continuance to that letter, due to the pandemic and my current incarceration, my ability to use a law library and other avenues to help my situation making my efforts to be diligent in my defense hampered.

I attest that everything in this document
is sworn to be true under penalty of
perjury.

On the day of 13th in the month
of July in the year of 2021.

Joe Beardon

All I'm asking for is a fair Shot at Trial in Federal Court. With my new attorney Mr. Philip Horowitz who has been working on my Case Since 12-11-2019 and has been doing a real good Job working with me trying to help me Withdraw my Guilty Plea and move forward into trial at Federal Court,

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Joe Readon

Date: 8-8-2021

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF FLORIDA
3 MIAMI DIVISION

4 CASE NUMBER 19-20458-CR-BB

5 UNITED STATES OF AMERICA

6 vs.

7 JOE VONZO READON,

8 Defendant

9 SENTENCING HEARING HELD 2-21-2020
10 BEFORE THE HONORABLE BETH BLOOM
11 UNITED STATES DISTRICT COURT JUDGE

12 APPEARANCES:

13 FOR THE UNITED STATES: ALEJANDRA LOPEZ, A.U.S.A.
14 99 N.E. 4th Street
15 Miami, FL 33132

16 FOR THE DEFENDANT: PHILIP HOROWITZ, ESQ.
17 9130 South Dadeland Boulevard
18 Miami, FL 33156

19 REPORTED BY: PATRICIA SANDERS, RPR
20 *United States Court Reporter*
21 400 North Miami Avenue, Suite 11-3
22 Miami, FL 33128
23 T: 305.523.5528
24 patricia_sanders@flsd.uscourts.gov.
25

02:15 1 COURTROOM DEPUTY: Case No. 19-20458; United States
02:15 2 versus Joe Vonzo Readon.

02:15 3 Counsel, please state your appearances for the record.

02:15 4 MS. LOPEZ: Good afternoon, Your Honor, Alejandra Lopez
02:15 5 on behalf of the United States.

02:15 6 THE COURT: Good afternoon.

02:15 7 MR. HOROWITZ: Good afternoon, Phil Horowitz on behalf
02:15 8 of Mr. Readon who is present before the Court.

02:15 9 THE COURT: And for Probation.

02:15 10 MS. SORNOZA: Good afternoon, Your Honor, Mercedes
02:15 11 Sornoza on behalf of U.S. Probation.

02:15 12 THE COURT: You may have a seat. I apologize for the
02:15 13 delay. We are now ready to proceed.

02:15 14 Mr. Readon, I just want to make sure that you are able
02:15 15 to hear the Court and the attorneys or anyone else that may be
02:15 16 speaking.

02:15 17 Are you able to hear me now, sir?

02:15 18 THE DEFENDANT: Yes, ma'am.

02:15 19 THE COURT: And if at any time the equipment stops
02:15 20 working and you are unable to hear what is taking place if you
02:15 21 would let the Court know.

02:15 22 THE DEFENDANT: Yes, ma'am.

02:15 23 THE COURT: As you know, the purpose of this
12:52 24 afternoon's proceeding is to determine an appropriate sentence
12:52 25 in this case; a sentence that is sufficient but is not greater

02:16 1 than necessary to serve the goal of sentencing. You were before
02:16 2 this Court on December 2nd of 2019, and at that time you pled
02:16 3 guilty to Count 3 of a three count superseding indictment.

02:16 4 Count 3 charged you with being a felon in possession
02:16 5 of a firearm and ammunition in violation of 18 United States
02:16 6 Code Section 922(g)(1) and Section 924(e)(1).

02:16 7 In preparation for this afternoon's proceeding the
02:16 8 Court has reviewed the following items, and each was filed, so
02:16 9 I will refer to each item by docket entry.

02:16 10 Which is docket entry 45; your factual proffer
02:16 11 statement, docket entry 46 is your plea agreement with the
02:16 12 United States Government.

02:16 13 Docket entry 53 is the draft disclosure of the
02:16 14 presentence investigation report. Docket entry 55 is the final
02:17 15 addendum one, disclosure of the presentence report.

02:17 16 Docket entry 63 is an omnibus sentencing memorandum
02:17 17 which Mr. Horowitz filed on your behalf. And docket entry 64
02:17 18 is the Government's sentencing memorandum.

02:17 19 Docket entry 65 is the defendant's reply to the
02:17 20 Government's response to your sentencing memorandum.

02:17 21 Have you had a full opportunity to review each of
02:17 22 these documents with your attorney Mr. Horowitz?

02:17 23 THE DEFENDANT: Yes, I have, Your Honor.

02:17 24 THE COURT: Do you need any additional time?

02:17 25 THE DEFENDANT: No, Your Honor, I am pretty much -- not

02:17 1 pretty much -- I did a couple of times.

02:17 2 THE COURT: Do you need any additional time with Mr.
02:17 3 Horowitz?

02:17 4 THE DEFENDANT: It never hurts.

02:17 5 THE COURT: All right. Then why don't you take the
02:17 6 time to have any questions answered or review any documents.
02:17 7 We will take a recess for as long as you need.

02:18 8 (OFF THE RECORD DISCUSSION HELD BETWEEN COUNSEL AND
02:18 9 THE DEFENDANT)

02:18 10 MR. HOROWITZ: Your Honor, we are ready to proceed.

02:18 11 THE COURT: All right.

02:18 12 MR. HOROWITZ: For the record, Mr. Readon and I since
02:18 13 our appearance before the Court last Thursday have met I think
02:18 14 twice and extensively reviewed the presentence report, as well
02:19 15 as the Government's response to my sentencing memorandum, and
02:19 16 yesterday we reviewed the reply.

02:19 17 THE COURT: All right. Are there any additional
02:19 18 documents that the Court should have received and reviewed in
02:19 19 preparation for today?

02:19 20 MS. LOPEZ: Not on behalf of the Government, Your
02:19 21 Honor.

02:19 22 MR. HOROWITZ: Not on behalf of defense.

02:19 23 THE COURT: Mr. Horowitz, is there any legal reason
02:19 24 why sentence should not be imposed?

02:19 25 MR. HOROWITZ: No, Your Honor.

02:19 1 THE COURT: Are there any objections to the accuracy
02:19 2 of the pre-sentence report or to the probation officer's
02:19 3 calculation of the advisory guidelines?

02:19 4 MR. HOROWITZ: On behalf of the defense unfortunately
02:19 5 not. I did go through Probation's calculation. I secured
02:19 6 copies of Mr. Readon's file; especially the three files where
02:19 7 Probation says that he qualifies as an armed career criminal.

02:19 8 I have reviewed the three judgments applicable to
02:19 9 those three cases that are cited by Probation in their request
02:20 10 for an enhancement, which is paragraph 36 at the bottom of page
02:20 11 seven of the presentence investigation report, and Probation is
02:20 12 accurate.

02:20 13 THE COURT: And are there any changes with regard to
02:20 14 the pending State Court charges?

02:20 15 MS. LOPEZ: No, Your Honor. I did speak with the
02:20 16 prosecutor who now has those cases; which has changed since we
02:20 17 took the plea. However they did have the benefit of a note in
02:20 18 their file about my conversation with them.

02:20 19 They were waiting to hear what Your Honor's sentence
02:20 20 was going to be today. Once that happens I will let them know
02:20 21 Your Honor's sentence and then they will seek permission to
02:20 22 dismiss the pending case in State Court, which is the same case
02:20 23 based on these facts.

02:20 24 They could not assure me that they could get approval
02:20 25 to dismiss the probation violation.

02:21 1 MR. HOROWITZ: And, Your Honor, I will be in touch
02:21 2 with Mr. Readon's State Court Public Defender. We will send a
02:21 3 copy of this Court's judgment and ask them to do what they need
02:21 4 to do with regard to the 2019 case, as well as the State
02:21 5 violation of probation.

02:21 6 I have had some success in getting those violations
02:21 7 dismissed based on a Federal Court sentence, especially one of
02:21 8 the anticipated length of this sentence.

02:21 9 THE COURT: All right. And are there any objections on
02:21 10 behalf of the Government?

02:21 11 MS. LOPEZ: No, Your Honor

02:21 12 THE COURT: The Court accepts all facts contained in
02:21 13 the presentence investigation report, including the probation
02:21 14 officer's calculation of the advisory guideline range.

02:21 15 With regard to the calculation let me just state for
02:21 16 the record; the base offense level would be 24, and there is a
02:22 17 four level enhancement since the defendant used or possessed
02:22 18 any firearm or ammunition.

02:22 19 That would result in an adjusted offense level of 28.
02:22 20 However, there is a Chapter Four enhancement.

02:22 21 As the defendant has no objection and the Court has
02:22 22 not addressed any written or oral objections it would appear
02:22 23 that the defendant has at least three prior convictions for a
02:22 24 violent felony or a serious drug offense which were commenced
12:58 25 on different occasions:

12:58 1 For the record, Case No. F-96-9729, F-08-41025 and
01:00 2 F-17-16069. Therefore the defendant is an Armed Career
01:00 3 Criminal subject to an enhanced sentence and as such the
01:00 4 offense level would be 34, there is a three level reduction
02:23 5 based upon Mr. Readon's acceptance of responsibility, resulting
02:23 6 in a total offense level 31.

02:23 7 Mr. Readon has a criminal history category six, which
02:23 8 as to the advisory guidelines is 188 to 235 months; however,
01:02 9 this offense does carry with it a statutory minimum mandatory
01:02 10 sentence of 15 years with a maximum of life.

01:03 11 Has the Court accurately set forth the guidelines with
01:03 12 regard to Count 3?

01:03 13 MR. HOROWITZ: Yes, Your Honor.

01:03 14 Ms. Lopez: Yes, Your Honor.

01:06 15 THE COURT: Mr. Readon, in consideration of the
01:06 16 3553(a) factors if there is anything you would like to say
01:06 17 directly to the Court you may do so.

01:06 18 If there are individuals that are present on your
01:07 19 behalf they may certainly do so as well.

01:07 20 I know that Mr. Horowitz will make argument on your
01:07 21 behalf, but I did want to give you that opportunity, sir.

02:24 22 THE DEFENDANT: Yes, Your Honor. I would like to
02:24 23 first thank God. And with that being said, I would like to
02:24 24 thank the Court. I would like to thank you, Judge Bloom. I
02:24 25 would like to thank Miss Lopez.

02:24 1 I would like to thank my wife for attending today with
02:24 2 her new hair-do, looking so lovely. And last but not least, I
02:24 3 would like to thank Mr. Horowitz for doing a very good job as
02:25 4 my counsel and as a friend.

02:25 5 He has been -- he was able to break it down so that I
02:25 6 could understand what was going on in the case. I just thank
02:25 7 each and every one of you; even the ones that pushed me into
02:25 8 court. From the bottom of my heart I do have appreciation for
02:25 9 that.

02:25 10 Thank you.

02:25 11 THE COURT: Thank you for your statement. Does your
02:25 12 wife wish to say something to the Court?

02:25 13 MR. HOROWITZ: May I have a moment, Judge.

02:25 14 THE COURT: Of course.

02:25 15 MR. HOROWITZ: I think his wife's reaction says it all.
02:26 16 I will speak now on Mr. Readon's behalf.

02:26 17 THE COURT: Of course.

02:26 18 MR. HOROWITZ: Your Honor, this is a difficult case
01:16 19 because the law dictates that Your Honor impose a sentence that
01:16 20 is sufficient but not greater than necessary to reflect the
02:26 21 seriousness of the offense.

02:26 22 This is a case where quite candidly the minimum
02:26 23 permitted by statute is greater than necessary in this case.

02:26 24 However, I have explained to Mr. Readon that Your
02:26 25 Honor took an oath to follow the law, and that the law requires

02:26 1 that this Court impose a sentence of no less than 180 months.
02:26 2 That 180 month sentence based on Mr. Readon's priors -- and at
02:26 3 Mr. Readon's age and health condition -- we would request a
02:27 4 slight variance to the 180 months, which I believe is much more
02:27 5 than sufficient in this case.

02:27 6 THE COURT: Is there an argument to be made that the
02:27 7 law supports the giving of credit for the time Mr. Readon was
02:27 8 in State custody?

02:27 9 MR. HOROWITZ: I think the Government and I agree to
02:27 10 the facts; that when Mr. Readon was arrested on March sixth of
02:27 11 2019 he was on State probation.

02:27 12 And, Your Honor, he is currently being held on -- for
02:27 13 a combination of reasons. I attached the jail card from the
02:27 14 Miami Dade Department of Corrections.

02:27 15 He is being held no bond on the 2019 case that forms
02:27 16 the basis of our case. He is also being held no bond for a
02:27 17 violation of probation.

02:27 18 I think the best course to do -- would be within the
02:28 19 judgment for this Court to recommend that the Bureau of Prisons
02:28 20 give him credit time served back to the March sixth of 2019.

02:28 21 I don't think Your Honor is permitted to take that
02:28 22 time off the actual sentence. For example, impose a sentence of
02:28 23 175 months as opposed to 180 months. I think it is up to the
02:28 24 Bureau of Prisons to do the calculations. I know they will take
02:28 25 the Court's recommendation very seriously.

02:28 1 So I think that may be the best way to proceed.

02:28 2 THE COURT: Ms. Lopez, would you agree there is a
02:29 3 basis under 18 United States Code Section 3585, given that Mr.
01:18 4 Readon was arrested as a result of this offense but he was
02:29 5 maintained in State custody on a no bond status because of the
02:29 6 violation of probation warrant, that he would be entitled to
02:29 7 credit for the time he was in custody?

02:29 8 MS. LOPEZ: Your Honor, as I set out in my response to
02:29 9 Mr. Readon's original sentencing memorandum, I believe he is
02:29 10 entitled to the credit for the time that he has served where
02:29 11 the Federal detainer or some sort of Federal process would have
02:29 12 prevented him from being released had he been able to be
02:29 13 released from State Court.

02:29 14 That did not happen until the Federal detainer was
02:29 15 lodged against him once the indictment was issued by the Grand
02:30 16 Jury and the arrest warrant and writ was signed by this Court.

02:30 17 I do not agree with Mr. Horowitz that a recommendation
02:30 18 should be made all the way back to March sixth because from
02:30 19 March sixth until July 30th the only things that were
02:30 20 preventing his being released were the violations of probation
02:30 21 on the two State cases and the fact he was charged with an
02:30 22 armed cocaine trafficking case in the State case; which is a
01:18 23 non bondable offense.

01:18 24 Up until that time had an Arthur hearing occurred or a
02:30 25 motion for reconsideration of bond on the probation violations

02:30 1 occurred -- which I will admit after having spoken with the
01:19 2 Assistant State Attorney and looking at the docket myself --
02:30 3 neither of those were done in the timeframe between March sixth
02:30 4 and July 30th.

02:30 5 But had that been done the State Court could have
02:31 6 reconsidered and could have released him without any issue.

02:31 7 Therefore I agree he should get credit from July 30th
01:20 8 because that is where the Federal detainer was lodged, but the
01:20 9 March 6th recommendation I do not agree with.

02:31 10 And, Your Honor, I will say this that in order for the
02:31 11 Government -- the Government after speaking with Ms. Davide
02:31 12 did take into consideration this defendant's health as well as
02:31 13 his mental health issues and his depression.

01:22 14 And as the plea agreement states we are recommending
01:22 15 jointly a 15 year sentence. So beyond that I think -- I do not
01:22 16 think anything further is appropriate.

02:32 17 Mr. Readon does have a long history of contact in
02:32 18 State Court. And so for that reason that is why we facilitated
02:32 19 the plea that we did.

02:32 20 THE COURT: All right. And to the extent that the
02:32 21 sentence has not been imposed on F-19-004628A this sentence can
02:32 22 certainly run concurrent but not co-terminus; is that correct?

02:32 23 MS. LOPEZ: Yes, Your Honor. And I would recommend it
02:32 24 run concurrent with the two probation cases only because I have
02:32 25 not received assurances that they will dismiss those.

02:32 1 MR. HOROWITZ: I would ask that it be reflected in the
02:33 2 judgment that it be run concurrent with all -- basically the
02:33 3 2017, 2018 and 2019 cases. And I know the State Court Judge
01:23 4 will take that into account.

02:33 5 THE COURT: Thank you, Mr. Horowitz.

02:33 6 MR. HOROWITZ: Thank you, Your Honor.

02:33 7 THE COURT: All right. Anything further on behalf of
02:33 8 the Government?

02:33 9 MS. LOPEZ: No, Your Honor.

02:33 10 THE COURT: And, Mr. Horowitz, is there anything
02:33 11 further?

02:33 12 MR. HOROWITZ: No, Your Honor.

02:34 13 THE COURT: Mr. Readon, let me say it is always
02:34 14 difficult to sentence an individual in the presence of their
02:34 15 loved ones. I know this is devastating for your wife.

02:34 16 As Mr. Horowitz stated, the Court is confined to the
02:34 17 law. But I certainly agree with the parties that the minimum
02:34 18 mandatory sentence is the right sentence to be imposed based on
02:34 19 the restrictions of the law, and that a sentence greater than
02:34 20 that would be unwarranted.

02:34 21 I know you have some pending cases, and the Court will
02:35 22 certainly have this sentence run concurrent to those cases. I
02:35 23 will reflect that as well in the Court's judgment.

02:35 24 I believe there is a need for mental health treatment
02:35 25 as well as substance abuse treatment, and I will include that

02:35 1 in the Court's judgment. Mr. Readon, I thank you for your
02:35 2 statement and the parties for the excellent job that they have
02:35 3 done with regard to the briefing and the time that was spent
02:35 4 educating the Court.

02:35 5 After consideration of the briefing and presentence
02:35 6 report, which contains the advisory guidelines, and in full
01:40 7 consideration of the statutory factors of 18 United States Code
01:40 8 Section 3553(a)...

02:35 9 Mr. Readon, you are 60 years of age, and I understand
02:36 10 that you have some health issues. And my hope is that during
02:36 11 this period of time you will get the treatment that you need
02:36 12 and take advantage of the opportunities afforded to you while
02:36 13 you are in custody.

02:36 14 Based on the inquiry done by the probation officer the
02:36 15 Court finds you are not able to pay a fine and a fine will not
02:36 16 be imposed.

02:36 17 It will be the judgment of the Court, Mr. Readon, that
02:36 18 you be committed to the Bureau of Prisons to be imprisoned for
02:36 19 180 months as to Count 3.

02:36 20 I am going to permit this sentence to run concurrent
02:36 21 but not co-terminus with the pending case in F-19-004628A, as
02:36 22 well as the two violations of probation in Cases F-17-016069
02:37 23 and F-18-004713.

02:37 24 You will be given credit for the time the writ was
02:37 25 issued and you were taken into Federal custody, and the Court's

record reflects that is July 30, 2019. However the Court will make a recommendation that since you were in State custody with regard to the commission of this offense -- the recommendation will be that the Bureau of Prisons consider the time you spent in custody as of March 6th, 2019.

Upon your release from imprisonment you will be placed on supervised release for a term of three years as to Count 3.

Within 72 hours of your release you shall report in person to the Probation Office in the district where you were released.

While on supervised release you shall comply with all mandatory and standard conditions of supervised release. That includes not committing any crimes, being prohibited from possessing a firearm or other dangerous device.

You shall not unlawfully possess a controlled substance. And you shall cooperate in the collection of DNA.

You shall also comply with the special condition of substance abuse treatment, permissible search, mental health treatment and the payment of any unpaid fines, restitution or special assessments.

As to Count 3 you shall immediately pay to the United States a special assessment of \$100.

Are you seeking forfeiture in this case?

MS. LOPEZ: Yes, Your Honor, we are seeking forfeiture of the firearm and ammunition.

02:38 1 The Bureau of Alcohol, Tobacco and Firearms is in the
02:38 2 process of getting the paperwork done.

02:38 3 MR. HOROWITZ: I have no objection to the forfeiture of
02:38 4 those items.

01:48 5 THE COURT: The forfeiture of your right, title and
01:48 6 interest in certain properties is ordered consistent with the
01:48 7 plea agreement.

01:48 8 And, Ms. Lopez, if you would submit the proposed order
02:38 9 within three days of sentencing.

02:38 10 MS. LOPES: Yes, Your Honor.

02:38 11 THE COURT: Mr. Readon, now that the sentence has been
02:38 12 imposed do you or Mr. Horowitz object to the Court's findings
02:38 13 of fact or the manner in which sentence was pronounced?

02:39 14 MR. HOROWITZ: No, Your Honor.

02:39 15 THE COURT: Let me advise you, Mr. Readon, you do have
02:39 16 the right to appeal the sentence imposed. Any notice of appeal
02:39 17 must be filed within fourteen days after entry of the judgment.

02:39 18 If you are unable to pay the cost of the appeal you
01:51 19 may apply for leave to appeal in forma pauperis; which means
01:51 20 there will be no cost to you.

01:51 21 Do you have any questions, Mr. Readon?

02:39 22 THE DEFENDANT: No, ma'am.

02:39 23 THE COURT: Does your wife have any questions, sir?

02:39 24 MR. HOROWITZ: No, Your Honor she does not. I do have
02:39 25 two recommendations for the Court.

02:39 1 THE COURT: Yes.

02:39 2 MR. HOROWITZ: The Court had indicated the substance
02:39 3 abuse treatment so I would ask the Court recommend that Mr.
02:39 4 Readon attend and complete the 500 hour drug program while he
02:39 5 is incarcerated.

02:39 6 In light of the firearm charge he may not be eligible
02:39 7 for the reduction but he would definitely benefit from the
01:54 8 treatment.

01:54 9 THE COURT: I will make that recommendation.

01:54 10 MR. HOROWITZ: Secondly, Your Honor, as Mr. Readon is
01:54 11 a native Miamian -- and as we were just discussing he has never
01:54 12 even been to the Keys before -- I would ask the Court recommend
02:40 13 that he be permitted to serve his sentence at FCI Miami.

02:40 14 I have advised Mr. Readon that is a recommendation
02:40 15 only and that it is based on, number one, the security level
02:40 16 and space availability; and that we have no control over the
02:40 17 BOP's ultimate decision.

02:40 18 THE COURT: I will make that recommendation as well.
01:55 19 All right. Is there anything further on behalf of Mr. Readon or
01:55 20 the United States?

02:40 21 MR. HOROWITZ: Not on behalf of Mr. Readon; thank you.

02:40 22 MS. LOPEZ: Not on behalf of the Government.

02:40 23 THE COURT: Thank you to everyone. And the best of
01:56 24 luck to you Mr. Readon.

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SENTENCING CONCLUDED

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C E R T I F I C A T E

I hereby certify that the foregoing is an accurate
transcription of proceedings in the above-entitled matter.

/S/PATRICIA SANDERS

DATE FILED

PATRICIA SANDERS, RPR